IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Bail Appl..No. 4400 of 2007()

(CRIME NO.460/2005 OF HOSDURG POLICE STATION)

: PETITIONER/IST ACCUSED

U.V.SHAHID, AGED 33 YEARS, S/O.MOIDEEN,
RESIDING AT AJANOOR BEACH, AJANOOR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS: RESPONDENT & STATE

STATION HOUSE OFFICER, HOSDURG POLICE
STATION, REPRESENTED THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.P.RAVEENDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4400 of 2007

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Dated this the 20th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the son of the defacto complainant. His father filed a private complaint against him before the learned Magistrate and the same was referred to the Police by the learned Magistrate . Crime was accordingly registered. Investigation was conducted. Final report was filed referring the crime as false. Subsequently further investigation was conducted. In the course of such further investigation the complicity of the petitioner is allegedly indicated, it is submitted. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the allegations are totally false and are raised now vexatiously to avoid financial liability. The fact that the Police after the investigation referred the case one as false may be borne in mind. Appropriate directions may be issued to save the petitioner from the undeserved trauma of arrest and detention. The petitioner is willing to abide by any condition that may be imposed by this Court, he submits.

3. The learned Public Prosecutor does not oppose the application and I am, in these circumstances, satisfied that anticipatory bail can be granted to the petitioner subject of course to appropriate and strict conditions which can be imposed in the interests of a fair, efficient and expeditious investigation.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m on 27.07.2007.

ii) He shall be released on regular bail on condition that he execute a bond for Rs.1,00,000/-(Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 4 p.m on 28/07/2007, 29/07/2007 and 30/07/2007 and thereafter he shall make himself available for interrogation on all Mondays and Fridays between 10 a.m and 12 noon for a period of three months. Subsequently the petitioner shall so appear as and when directed by

the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 27/7/2007, he shall be released from custody on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) without any sureties, undertaking to appear before the learned Magistrate on 27/7/2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE